

City of Oronoco
Regular City Council Meeting Minutes
September 17, 2007
7:00PM

I. CALL TO ORDER

Mayor Scott Keigley called the meeting to order at 7:05pm.

II. ROLL CALL

Present: Mayor Scott Keigley, Councilor Brian Breider, Councilor Jackie Hall, Councilor Kevin McDermott, Councilor Tom Novak, City Clerk Cheryl Nymann, City Engineer Joe Palen, City Attorney Tom Canan and members of the community.

III. APPROVAL OF AGENDA

Additions: IV E. 4. Public Comment
L. Landscaping
VIII D .Elk Run

Mayor Scott Keigley motioned to approve with additions, Councilor Kevin McDermott second, all in favor, motion carried.

IV. DEPARTMENTS & COMMITTEE REPORTS

A. OCSO ~ ADS Wallace

Council requested a brief presentation on signs of gang activity to educate council and city residents. Clayman returns on Friday, and ADS Wallace will pass info along to him.

B. FIRE DEPARTMENT ~ John Stolp, Fire Chief

1. 1 Call; Debbie Wittlief House Fire – Rochester fire responded on this as well, came with 10 people, and had 10 people from Oronoco. They worked together very smoothly.
2. Dave Kappler will be leaving at the end of this month.

C. FIRST RESPONDERS ~ Gwen Holt, 1st Responder Director

1. 9 TOTAL CALLS: 1 City, 3 Township, 5 Gold Rush
2. Recertification Classes;
Currently going, this is their last week.

D. EOC ~ Dennis Blanck, EOC Director

1. Dennis was present and had nothing to report.

E. ORDINANCES & RESOLUTIONS

1. Ordinance Violations*

a. Letter on Violation at 255 1st Avenue NE
Dog is licensed.

b. 715 1st St NW- Continual Ordinance Violation

Could ask to pull ticket and ask for repeat. **Mayor Scott Keigley motioned to send a second letter explaining options, 14 days limit, Councilor Tom Novak second, all in favor, motion carried.**

2. Dangerous Dog Ordinance*

Stipulation, handle dangerous dogs. **Mayor Scott Keigley motioned put an ad in the paper, and newsletter, including Post Bulletin, bonding required, for a dog catcher. Councilor Jackie Hall second;** DISCUSSION: (concerns on page 6, farm animals acreage, page 7, no kennels allowed, and Tom's comments; need to come out, revise kennels, skills, identified place to take animals to). **All in favor, motion carried.** Any kennel licensed from MN Dept. of Health are exempt from this. **Mayor Scott Keigley motioned to table the ordinance until the**

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City can find someone to handle them, Councilor Jackie Hall second; all in favor, motion carried.

3. Revised Zoning District Ordinance*

Councilor Tom Novak motioned to table until proper documents can be submitted to City Hall, Mayor Scott Keigley second; all in favor, motion carried.

4. Resolution 07-08 Annexation of Zumbro Hills Subdivision*

Public Comment:

Raymond Nice, 1111 Cedar Ridge Lane SW.

He was surprised the annexation is taking place this soon, and asked what will the actual benefit be for them. Benefits include Parks/Trails, pavement on 3rd Avenue, Fire Department partnered with Rochester now instead of Township having Fire Department service, tax information is available at City Hall.

Called for public comment 3 more times.

No phone calls received. **Councilor Jackie Hall motioned to approve Resolution 07-08 to annex Zumbro Hills Subdivision Councilor Brian Breider second; Voice Vote: AYES: Mayor Scott Keigley, Councilor Brian Breider, Councilor Jackie Hall, Councilor Kevin McDermott, Councilor Tom Novak; NAYES: none, motion carried.** City Clerk Cheryl Nymann will submit all proper paperwork.

F. DOWNTOWN ORONOCO GOLD RUSH DAYS ~ *Danny Ondler, DOGR Chair*

1. Fixing City Property

Carol Olson called for bids from contractors were contacted to repair City grounds and one was for \$1,260 from Ondler Construction and the other was for \$5,850 for Jech. DOGR approved Ondler Construction. Work to be done is to fix only visible ruts. Danny Ondler did abstain from voting.

2. Joann & Linda will send thank you notes to volunteers.

3. Request for donations from DOGR due before October 15th of next month.

4. Set money aside for further landscaping and rolling down areas used; all highs and lows they can't see.

G. PARKS & TRAILS

1. Public Water Access Cooperative Agreement*

City Attorney Tom Canan comments:

- Whereas clause, 4th one, attached map (there is none);
- 3 more down, resolution accepting; duties and responsibilities (no hard surface;
- not too much infrastructure;
- City will not restrict 'boat size', and horsepower;
- provide police protection (sheriff's dept. approved placing of canoe access;
- any publicity needs prior approval by state.
- **Mayor Scott Keigley motioned to accept with concerns and ask that they address attachments, Councilor Kevin McDermott second; all in favor, motion carried.** City Clerk Cheryl Nymann will send to DNR.

2. Committee Minutes & Recommendations*

a. Trail Access In Riverwood Hills ~ *Matt Jennissen, City Engineer, Property Owners*

Trail will be a 10' access down center, 3' buffer on each side, and sign the trail as steep grade & walking trail only. Layout of it should be with City Engineer. Parks Comm. would like to have it restored and usable by next summer. Understanding that Joe's recommendation is too high right now, so they proposed a grass trail, with posts going down to delineate trail. **Councilor Kevin McDermott motioned to accept proposal to make it grass trail, to be done by June 1st, with homeowners' removal of any landscaping to accommodate 10' wide trail with 3' wide buffer, Councilor Jackie Hall second; DISCUSSION:**

Councilor Tom Novak stepped down from Council table.

Councilor Tom Novak abutting property owner addressed Council and stated that the property owners are concerned about grade of trail and that someone may get hurt, they would prefer to not have it a trail. Also discussion on liability, revocable license. City

Attorney Tom Canan advised to not allow private landscaping in city out lot. City Engineer Joe Palen expressed that the property is not an easement, but a City owned out lot. He also suggested that they could do some of the earthwork with reshaping and adding a little embankment would reduce some of the short-term hazard and be ready for future paving; as well as make it accessible to mow. **AYE: Councilor Kevin McDermott, Councilor Jackie Hall, Councilor Brian Breider; NAYE: Mayor Scott Keigley, motion carried.**

Councilor Tom Novak returned to the Council table.

- b. Signs
Point directions that currently mark parks. Road type sign on existing poles that match current trail markers.
- c. Soccer nets & Goals
Replace soccer goals in River Wood Hills next spring, replace nets and bring over the old soccer goals to Community Center field.
- d. Parks Committee had concerns on commitment that City has on Parks. Maintenance disregarded and trails need attention, and not ADA compliant. Ideally need to purchase tractor to maintain trails. There will be a joint meeting for Council and Parks October 9th. @ 7pm. City Clerk Cheryl Nymann will post.

H. STREETS & ROADS

1. Timberline Drive SE ~ *Don Clark*

Mr. Clark stated that the City did not finish blacktopping on Timberline Drive, and is asking when it will be finished. Now, 5th Street is being upgraded and blacktopped and is asking the City to finish blacktopping Timberline Dr SE, because the blacktop on the road ends at the middle of his house. Mr. Clark also stated that the City included blacktopping 4th Street SE (and asked how much traffic is on this street). Neighbor David Koenig was present and also asking on it. This was first, and they've been waiting a long time, and there's money to do that to re-grade and blacktop. Councilor Kevin McDermott stated it needs to get done, and cannot argue, there is a lot of traffic on this Timberline Road. Mr. Clark asked how Larry Stolp could have that much power to tell contractors what to pave and what not to pave in the City. And, it's not fair to those people to live on an unpaved street when all the other ones are getting paved; he is asking for 243 feet of blacktop. Council commented that his points are well taken, and has been heard, and will try to make this happen next summer.

2. 1st Street NE ~ *Has the DOGR Committee been contacted?*

It has been brought up to DOGR, but funding is dispersed in November. **Mayor Scott Keigley motioned to table until after DOGR money dispersed, Councilor Kevin McDermott second; all in favor, motion carried.**

5 minute recess called at 8:12pm.

Called back to order at 8:20pm.

3. 12th Street / 3rd Avenue Project Update & Pay Request* ~ *City Engineer Joe Palen*

Pay request for \$5,923.67, with \$5,000 retainage remaining. They will be back out tomorrow and reseed and fertilize this area. **Mayor Scott Keigley motioned to pay the request, Councilor Kevin McDermott second; all in favor, motion carried.**

4. 5th St SW Updates ~ *City Engineer Joe Palen*

Road Constructors suppose to be there Tue. or Wed. this week. County dropped off culvert, trees are marked (4). Brett stopped by 2 times and left Mr. Spading a note, and both City Engineer Joe Palen and Councilor Kevin McDermott spoke to Mr. Spading about the trees. Councilor Kevin McDermott will take a look at finishing Timberline Drive. City Engineer Joe Palen said that typically a contract can exceed contract amount by 25% via change orders; and with rough figures on paving Timberline Drive it would be close to that, assuming Road Constructors would be willing to extend their prices. City Engineer Joe Palen could pursue it and bring back the price to Council.. City Engineer Joe Palen will put together a sheet on it.

I. LAKE SHADY ~ Katie Dudley, Lake Shady Committee Chair

1. Meetings will commence next Spring

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2. Report from Bonestroo ~ *Tabled From Last Meeting*
Mayor Scott Keigley motioned to table it until Lake Shady brings back to Council, Councilor Brian Breider second; all in favor, motion carried.

J. COMMUNITY CENTER

K. PLANNING & ZONING

1. Fitzpatrick Developments* ~ *City Engineer Joe Palen, Dan Fitzpatrick*
 - a. Letter from Bonestroo*
Punch list established with Mr. Fitzpatrick and are in the process and are continuing to work on it. Curb stop installed at the property line (not inspected). The City should be looking at it. No schedule on paving the trail. Stabilizing on Shady Oak Lane SW.
 - b. Update from Mr. Fitzpatrick
2. P & Z Minutes & Recommendations*
 - a. FYI: Public Hearing for Sub-Division Ordinance on October 2, 2007, 6:30pm.
 - b. Luis Merced CUP Request
Filled out an application, wants to put 2 horses on 2 acres; and still at P & Z. City Clerk Cheryl Nymann sent out extension of 60 days on application. Discussion of ordinance, guidelines, and enforcement. City Clerk Cheryl Nymann will send another letter stating that he needs to show that he can follow the guidelines.

L. HIGHWAY 52

1. Update from Leadership Committee ~ *Councilor Kevin McDermott, City Clerk Cheryl Nymann*
Poured deck last week, overlay this week, railings next week and plan on mid October for opening of the overpass. Timing on Tilly's off schedule. Wetland mitigation process held up but the new County official Tom Ryan wanted lowering the lake published. MnDOT will mitigate this fall yet. City has asked for the permits, the DNR and the Corps. (What about mistake-additional permits needed?) LGU and Corps would have to respond to that. Corey Hanson from DNR is the rep for this. **Councilor Tom Novak motioned to have City Clerk Cheryl Nymann send letter from City asking if any additional permits needed for mix up, Mayor Scott Keigley second; all in favor, motion carried.**
2. Turn Back of Lake Shady Avenue (Est. from Bonestroo)* ~ *City Engineer Joe Palen*
Summer of 2008 is when MnDOT will turn back Lake Shady Avenue S. City needs to let them know what they want (road or cash option). City Engineer Joe Palen discussed letter of proposal on the turn back issue for the estimated cost of \$4,800. City taking over 2 bridges and would like our engineer to inspect the bridges and roadway. By law, MnDOT has to have the road up to a certain standard, and our City Engineer will tell us exactly what the condition of the road is. Dry pond in front of Tilly's discussed. Scour discussed (eroding of foundations around base of bridge). Warrants to take a closer look at, and part of proposal. If you do it this fall, take it back to MnDOT. MnDOT will work Bonestroo in to accommodate their inspections. Want it to be done after heavy equipment is gone. **Mayor Scott Keigley motioned to accept this and to have the inspection take place after completion of north bridge; Councilor Brian Breider second; DISCUSSION: When it would be done. All in favor, motion carried.**
3. Winter Maintenance on frontage roads
Vintage Rd & 5th Rd County, Lake Shady Avenue is MnDOT responsibility.
4. Landscaping
MnDOT dealt with Rochester on landscaping; however, landscaping for Oronoco completely the City's responsibility. There are funds to do landscaping, on restoration for state highways. 50 – 50 split is a cost share of that money. City asked for it many years ago. **Councilor Tom Novak; motioned to have City Clerk Cheryl Nymann send a letter referring to Rochester City Limits and offer city same opportunity, Mayor Scott Keigley second; all in favor, motion carried.**

M. WATER & SEWER

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1. Sewer Flow Calculations ~ *City Engineer Joe Palen*
Submitted request from Olmsted County Planning, Phil Wheeler, and awaiting data on it.
2. Bids for Water Feasibility Study

N. PERSONNEL COMMITTEE

Met September 5th.

- **Mayor Scott Keigley motioned to accept 3% personnel committee recommendation for wages, Councilor Kevin McDermott second;** DISCUSSION: City Clerk Cheryl Nymann clarified that it was just a performance and no COLA. What did committee base that on? Setting an amount for the budget, kept the same formula for previous years; and is awarded at time of review. Not ready to go forward on the wage step system. **All in favor, motion carried.**
 - Sick leave, always offered comp time in lieu of overtime. Personnel committee lumping vacation and sick days into PTO and are looking at it. **Councilor Jackie Hall motioned to stay with current 8 sick days per year, and that employees can still take comp in lieu of overtime, Mayor Scott Keigley second;** DISCUSSION: City Clerk Cheryl Nymann stated that this is the first time she's been told that the reason for such few sick days is that Oronoco offers comp time to offset this, whereas other cities do not offer comp. May change if personnel committee works on. Councilor Tom Novak stated the difference was glaring, compared to other cities., and that the city is not keeping up pace. **AYES: Councilor Jackie Hall, Mayor Scott Keigley, Councilor Brian Breider; NAYE: Councilor Tom Novak, Councilor Kevin McDermott, motion carried.**
 - Health Care: Need to look at closer, and very important. Councilor Tom Novak suggest provide more in health care coverage. HSA plan discussed. **Mayor Scott Keigley motioned to increase health reimbursement by \$25 for part time and \$50 for full time, Councilor Jackie Hall second;** DISCUSSION: Look at doing better next year. **All in favor, motion carried.**
1. Safety Committee*
Typos and suggestions from City Attorney Tom Canan discussed. **Mayor Scott Keigley motioned to table until Councilor Brian Breider looks at, Councilor Jackie Hall second; all in favor, motion carried.**
 2. City Policies ~ *Councilor Brian Breider*
Email policies for the cities, and expectations for committees. Is there a policy? No, and talked about various policies. Sample, email policy submitted by Councilor Brian Breider. And all need to understand how to maintain within the parameters of the open meeting law.

V. PUBLIC FORUM

John Stolp

1. John commented on the allegations Council heard from a city resident. He was along and helped lay out streets when Mayor VanSickle was mayor, and stated that his dad is not a thief and has done a lot for the City of Oronoco. And, that he was disappointed with Council for not saying they weren't thieves. When Timberline Drive was being blacktopped it was to the last residents of the City. They've always been authorized to do the repairs, except general maintenance. Council commented that they appreciated all the work that Larry and John have done for the City.
2. Cedar Woodlands II trail; concerned stakes next to river bank, and it will just get washed out. And concerned it's going to be a big repair every year. City Engineer Joe Palen said that he has requested a 100'-150' section move further west and is working with Mr. Fitzpatrick on this as well as other items on a punch list.

Councilor Brian Breider stepped down from Council Table.

Brian Breider

1. Sewer & Water issues: Talked about what has been paid in the new developemnts and that those people are getting off cheaply.
 - An obligation by developers to have an escrow fund to be established at the end of 12 years.
 - Does City get any reporting from developers?

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- City should be accounting for those funds; any mechanism in place to track and how is it allocated?
- Is Mr. Fitzpatrick in breach of contract (development agreement).
- What about the funds already paid in? Associations in control of accounts. Once development completed it was turned over to the homeowner associations. Money for abandonment of initial structure once municipal services available, and part of trunk charges. There is no payment from homeowners to the escrow account.

Councilor Tom Novak motioned that this should clear up with Mr. Fitzpatrick, and documentation that it is in escrow, Mayor Scott Keigley second, DISCUSSION: Councilor Tom Novak in this development and his motion is not a conflict of interest because there is not a direct benefit. **All opposed. Mayor Scott Keigley motioned to clear up with Mr. Fitzpatrick, and documentation that it is in escrow, Councilor Jackie Hall second; all in favor, motion carried.** City Clerk Cheryl Nymann will send a letter.

VI. PETITIONS, REQUESTS & COMMUNICATIONS

- A. FYI: LGA Acceleration from Gov. Tim Pawlenty*
- B. FYI: Letter from Monica Michenfelder*
- C. ROCHESTER SCHOOL REFERENDUM VOTING ~ SEPT. 25TH, Polls open 7am-8pm. City Clerk Cheryl Nymann is the head election judge for this special election.

VII. UNFINISHED BUSINESS

- A. NEVIN RETAINING WALL ~ *Verified with CE & OC it is in the ROW*
Not good policy for city to allow in row. Not surveyed, but row map shows it is in row. **Mayor Scott Keigley motioned to send letter stating the City wall in row, doesn't submit retaining will not put in ROW. DISCUSSION:** Revocable license. **All in favor, motion carried.**
- B. CIP PLAN*
City Clerk Cheryl Nymann will post where public can see it.
- C. 2008 BUDGET*
Set TNT Hearing. Wed. Dec, 12th @ 7pm, and continuation on Dec. 13th at 7pm if necessary. City Clerk Cheryl Nymann will send to county and state.
- D. Elk Run Development Meeting
Spoke about EIS, which is a 4-6 month process. Pine Island asked the State for \$100,000 DEED for the EIS process. No talk about moving the timeline up in between Pine Island & Oronoco.

VIII. NEW BUSINESS

- A. PINE ISLAND SCHOOL REFERENDUM ~ Chris Bates
Councilor Tom Novak spoke to the Supt. of Pine Island Schools, and would like to meet with the City before the Pine Island referendum. First week of Nov. Post as 'may be present'. (Tue., Wed., Thur. available).

IX. CONSENT AGENDA

A. BUILDING PERMITS*

- | | | |
|--------------------|---------------------|--------------------------|
| 1. Patricia Askvig | 540 MN Avenue S | Replace Header on Window |
| 2. Jesse Grant | 1170 Istas LN SW | Deck |
| 3. Ryan Cradick | 1020 Istas LN SW | Basement Finish |
| 4. Kim Coker | 614 Vintage Road NW | Business Sign |
| 5. Pat Hall | 240 MN Ave S | Billboard |

B. MEETING MINUTES*

- 1. 8-21-2007 Regular City Council Meeting Minutes

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Councilor Brian Breider voted NAYE on extending time on Zumbro Hills. Did not recommend Council sign, from City Attorney Tom Canan>.

2. 9-5-2007 Special City Council Meeting Minutes – Budget
But, Jackie was here.
3. 9-13-2007 Special City Council Meeting Minutes – CIP / Levy / Budget

C. FINANCIALS

1. MBIA Account Summaries
2. Budget
3. Accounts Payable ~ General & Special Funds
4. Accounts Receivable & Unpaid Bills
5. Transfers

Mayor Scott Keigley motioned to approve consent agenda, Councilor Kevin McDermott second; Councilor Tom Novak v on billboard; all in favor, motion carried.

X. ADJOURNMENT

Councilor Kevin McDermott motioned to adjourn at 10:15pm, Mayor Scott Keigley second; all in favor, motion carried.

Respectfully Submitted:

Scott Keigley, Mayor

Cheryl Nymann, City Clerk/Treasurer